designs, and devices regarding their curative and therapeutic effects, were false and fraudulent in the following respects: One lot of the B. F. 1 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hyperacidity and as an aid for mineral alkalization; effective to neutralize the acids found in most deficiency diseases; and to help to restore normal equilibrium to diseased functions; effective as a revitalizer, builder, and corrective; effective as a health foundation and as a source of vital elements; effective to maintain good health, natural balance, and physical well being and to overcome the hyperacidity found in refined diets; effective as a remedy for so-called malnutritional diseases and diseases from malnutrition; effective to get rid of toxic poisons and waste matter, to insure freedom from infection, to overcome the effects of acid-producing foods, to counterbalance the painful results of the malnutritional diseases, and to furnish the minerals and vitamins necessary for the alkaline balance of the blood; effective as a treatment for diseases caused by faulty diet; effective to relieve acid condition; and effective as an anti-acid. One lot of the B. F. 1 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hyperacidity; effective to assist in the neutralization of the acids found in most deficiency conditions and to help restore equilibrium to diseased function; effective as an aid for mineral alkalization; and effective as a revitalizer and as a health foundation. The No. A–45 was falsely and fraudulently represented to be effective for the arthritic; effective as a treatment, remedy, and cure for ailments due to malnutrition; and effective as a health foundation. The No. D—44 was falsely and fraudulently represented to be effective as an aid in the treatment of diabetes mellitus; effective as a treatment, remedy, and cure for ailments due to malnutrition; effective as a revitalizer and as a health foundation. The No. A–417 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for hay fever and asthmatic conditions, and for ailments due to malnutrition; and effective as a health foundation. The No. H–410 was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for ailments due to malnutrition; effective to relieve nervous tension and to reduce hypertension; and effective as a revitalizer and as a health foundation.

On April 26, 1937, pleas of nolo contendere were entered, and the court imposed fines of $75 against each of the three defendants.

H. A. WALLACE, *Secretary of Agriculture.*

27264. Misbranding of Kopp's. U. S. v. 292 Bottles and 96 Bottles of Kopp's (and another seizure action). Default decrees of condemnation and destruction. (F. & D. nos. 37148, 37561. Sample nos. 55862–B, 57008–B.)

The bottle labels and a circular accompanying this product contained false and fraudulent curative and therapeutic claims, and false and misleading representations which were indicative that the preparation was a safe and appropriate remedy for infants and young children; whereas it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article.

On February 3 and April 11, 1936, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 388 bottles and 575 packages of various sizes of Kopp's at Detroit, Mich., alleging that it had been shipped in interstate commerce on or about December 28 and 30, 1935, and March 7, 1936, by C. Robert Kopp, Inc., from Hellam and York, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it contained morphine sulphate (one-eighth grain per fluid ounce), flavoring oils including anise oil, alcohol, sugar, and water.

It was alleged to be misbranded in that the following directions on the labeling detailing how it should be given to infants and young children, together with the picture in a circular accompanying certain sizes, of a baby, entitled "Kopp's Remedies for Babies and Children", were false and misleading, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, ⅓ teaspoonful; 4 to 6 months, ½ teaspoonful; 6 to 9 months, ⅔ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary"; (circular in German and other foreign languages accompanying certain sizes) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, ½ [on some sizes "⅓"] teaspoonful; 4 to 6 months, ⅔

teaspoonful; 6 to 9 months, 1 teaspoonful; twelve or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", in that said statements were indicative that the preparation was a safe and appropriate remedy for infants and young children; whereas it was not since infants and young children are susceptible to poisoning from morphine, which was one of its ingredients. The article was alleged to be misbranded further in that the directions on the label and said circular, together with the picture on the circular of a baby, entitled "Kopp's Remedies for Babies and Children", were statements, designs, and devices regarding its curative or therapeutic effect and were false and fraudulent.

On April 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27265. Adulteration of alum boric douche powder and elixir of phenobarbital. U. S. v. Lynn C. Osincup and Frank Willard Osincup (CaPhenin Chemical Co.). Pleas of guilty. Fines, $40 and costs. (F. & D. no. 37941. Sample nos. 23286-B, 23302-B.)

This case involved alum boric douche powder that did not possess the antiseptic strength claimed, and elixir of phenobarbital that contained a smaller amount of phenobarbital than that declared on the label.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lynn C. Osincup and Frank Willard Osincup, copartners trading as the CaPhenin Chemical Co., at Waverly, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 25 and July 10, 1935, from the State of Iowa into the State of Wisconsin of a quantity of alum boric douche powder and a quantity of elixir phenobarbital that were adulterated. The articles were labeled in part: "Alum Boric Douche Powder * * * Antiseptic equivalent to 2% Phenol"; "Elixir Phenobarbital * * * Each fluid ounce contains: Phenobarbital 2 Grs. * * * CaPhenin Chemical Company, Waverly, Iowa."

The alum boric douche powder was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic douche equivalent to 2 percent of phenol when used as directed; whereas it was not an antiseptic douche equivalent to 2 percent of phenol when used as directed.

The elixir of phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 2 grains of phenobarbital; whereas each fluid ounce contained less than 2 grains, namely, not more than 1.8 grains of phenobarbital.

On April 26, 1937, pleas of guilty were entered by the defendants and the court imposed fines of $40 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

27266. Adulteration and misbranding of elixir of terpin hydrate and codeine. U. S. v. Bernard Ulman (National Pharmaceutical Manufacturing Co.). Plea of guilty. Fine, $50 and costs. (F. & D. no. 38041. Sample no. 62889-B.)

This product was sold under a name recognized in the National Formulary, but fell below the standard established by that authority and also below the standard declared on the label.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Ulman, trading as the National Pharmaceutical Manufacturing Co., Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act on or about April 7, 1936, from the State of Maryland into the District of Columbia of a quantity of elixir of terpin hydrate and codeine that was adulterated and misbranded. The article was labeled in part: "National Elixir Terpin Hydrate and Codeine (Elixir Terpin Hydratis Cum Codeinae) N. F. Alcohol 40% Each Fluidounce Represents, Codein 0.906 Gr. * * * The National Pharmaceutical Mfg. Co. Baltimore, Md."

It was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the formulary official at the